

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MEDIFAST, INC., a Delaware corporation,  
Plaintiff – Appellant – Cross-Appellee,  
and  
BRADLEY MACDONALD,  
Plaintiff – Appellant,  
v.  
BARRY MINKOW, an individual; et al.,  
Defendants – Appellees.

CASE NO. 11-55687

**NOTICE OF DISPOSITION**

ROBERT L. FITZPATRICK, an individual,  
Defendant – Appellee – Cross-Appellant,  
v.  
MEDIFAST, INC., a Delaware corporation,  
Plaintiff – Appellant – Cross-Appellee.

CASE NO. 11-55699

PLEASE TAKE NOTICE, that this Court has disposed of the appeal in the action *Makaeff v, Trump University*, Appeal No. 11-55016, by Order Denying the Petition for Rehearing En Bank entered November 27, 2013. *Makaeff v, Trump University*, 736 F.3d 1180 (9<sup>th</sup> Cir. 2013). Mandate issued on December 10, 2013. [Dkt. No. 74.]

This cross-appeal was argued and submitted on March 5, 2013. [Dkt. No. 79.]  
Thereafter on May 20, 2013, the Court ordered the submission of the appeal vacated and  
deferred disposition of it pending disposition of the petition for rehearing en banc in *Makaeff*.  
[Dkt. No. 86.] Now that the Court has disposed of the *Makaeff* appeal, Appellees Barry Minkow  
and Fraud Discovery Institute, Inc., and Appellee – Cross Appellant Robert FitzPatrick  
respectfully request that this appeal be resubmitted for disposition.

Respectfully submitted,

Dated: March 17, 2014

MULVANEY BARRY BEATTY LINN &  
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/s/ John H. Stephens

By: \_\_\_\_\_

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